Public Law 101-205
101st Congress

An Act

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the distribution of wholesome meat and poultry products for human consumption that are not in compliance with the Acts to charity and public agencies.

Dec. 7, 1989 [H.R. 2134]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRIBUTION OF CERTAIN MEAT TO CHARITY AND PUBLIC AGENCIES.

Section 403(a) of the Federal Meat Inspection Act (21 U.S.C. 673(a)) is amended—

(1) in the first sentence, by redesignating clauses (1) through (3) as clauses (A) through (C), respectively;

(2) by designating the first through fourth sentences as paragraphs (1) through (4), respectively;

(3) in paragraph (2) (as so designated), by inserting after "entry of the decree," the following: "(A) be distributed in accordance with paragraph (5), or (B)"; and

(4) by adding at the end thereof the following new paragraph:

"(5)(A) An article that is condemned under paragraph (1) may as the court may direct, after entry of the decree, be distributed without charge to nonprofit, private entities or to Federal, State, or local government entities engaged in the distribution of food without charge to individuals, if such article—

"(i) has been inspected under this Act and found to be wholesome and not to be adulterated within the meaning of paragraphs (1) through (7) and (9) of section 1(m) and a determination is made at the time of the entry of the decree that such article is wholesome and not so adulterated; and

"(ii) is plainly marked 'Not for Sale' on such article or its container.

"(B) The United States may not be held legally responsible for any article that is distributed under subparagraph (A) to a nonprofit, private entity or to a Federal, State, or local government entity, if such article—

"(i) was found after inspection under this Act to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) and (9) of section 1(m) and a determination was made at the time of the entry of the decree that such article was wholesome and not so adulterated; and

"(ii) was plainly marked 'Not for Sale' on such article or its container.

"(C) The person from whom such article was seized and condemned may not be held legally responsible for such article if such article—

"(i) was found after inspection under this Act to be wholesome and not adulterated within the meaning of paragraphs (1) through (7) and (9) of section 1(m) and a determination was